

## **MINUTES**

### **MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY**

**Call to Order:** By **CHAIRMAN JERRY O'NEIL**, on January 20, 2003 at 3 P.M., in Room 317-A Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Jerry O'Neil, Chairman (R)  
Sen. Brent R. Cromley (D)  
Sen. Bob DePratu (R)  
Sen. John Esp (R)  
Sen. Dan Harrington (D)  
Sen. Trudi Schmidt (D)  
Sen. Emily Stonington (D)

**Members Excused:** Sen. Duane Grimes, Vice Chairman (R)  
Sen. John C. Bohlinger (R)

**Members Absent:** None.

**Staff Present:** Dave Bohyer, Legislative Branch  
Andrea Gustafson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted:  
Executive Action: SB 94; SB 111

#### **EXECUTIVE ACTION ON SB 94**

**SEN. EMILY STONINGTON** moved do pass on SB 94. She also presented an amendment to the bill. She explained that the amendment came from certain changes discussed during the first hearing. Some wording was changed, including the addition of the word "Indian children."

**SEN. ESP** asked the purpose of the amendment. **SEN. STONINGTON** said it was a negotiated amendment. The people who wanted this bill drafted, wanted to specifically site, "those Indian children," to be included as part of the group indicated in the bill.

**SEN. O'NEIL** noted to **SEN. STONINGTON**, he had a bill draft request into give Indian reservations federal funding directly. He asked if this would make any difference to the amendment. **SEN. STONINGTON** said it could indirectly, in that most of the children concerned are almost all medicaid qualified. Also, most of them are in foster care, so there is much state money matched with federal money used in the care of the children. Because of this, she did not know if it would be implicated in the bill, because much of the money for high risk children of Montana is money that gets matched at the federal level. There is going to be a lot of complicated routing, if taking that money and having it go directly to Indian children. She emphasized she would need more information about **SEN. O'NEIL's** bill to answer the question more specifically.

**SEN. DEPRATU** said he had problems segregating out groups of people. He would rather the language reflect we are taking action for all Montanans.

**SEN. CROMLEY** noted that the argument could be made in other statutes. If it refers to children without a specific reference to Indian children, it could be argued it does not include Indian children because it doesn't specifically cite Indian children. This would be the case with SB 94 if it passed with the amendment. Therefore, the language would have to change in the entire body of statutes, which is unreasonable.

**SEN. ESP** added that he was going to vote against the amendment for reasons similar to **SEN. CROMLEY**.

**SEN. HARRINGTON** repeated **SEN. STONINGTON'S** point by adding that "Indian children" would be added to the bill to emphasize that Indian children are high risk. That is why he finds the amendment to be important.

**SEN. STONINGTON** stated that she did not have very strong feelings about the amendment. She said the amendment was initiated by Indian people in an attempt to be visible. She did not find it to be critical to the bill.

**SEN. ESP** said that SB 94 dealt with the high cost kids. He asked **SEN. STONINGTON** if she remembered Indian children being the majority of high risk children in Montana.

**SEN. STONINGTON** remembered through her experience most of the children in need, being Indian. She said she did not know, but did know the list included children from all over Montana.

**Motion/Vote:** **SEN. O'NEIL** moved to vote on the amendment. **Motion failed 3-4 with CROMLEY, DEPRATU, ESP, and O'NEIL voting nay.**

**Motion/Vote:** **SEN. O'NEIL** moved that **SB 94 DO PASS**. **Motion carried unanimously.**

**EXECUTIVE ACTION ON SB 111**

**SEN. HARRINGTON** emphasized the importance of SB 111.

**SEN. ESP** asked how we get this for nothing. **SEN. HARRINGTON** explained that rates have gone high. Furthermore, if a person leaves an insurance policy, then he would not be eligible. Insurance companies do not have to pay him. SB 111 is important because it allows them to make transition into another insurance policy. **SEN. STONINGTON** added that it is not a question of getting something for nothing; all they are doing is expanding who is eligible to apply. They still have to pay the same high premiums and the state only subsidizes to a certain extent. When that money is gone, it is permanently gone.

**SEN. ESP** explained that it seemed to him if more people joined the program, more money would be necessary to support the program, or some applicants would have to be denied.

**SEN. STONINGTON** assured that the rates would cover any increases.

**SEN. O'NEIL** asked **SEN. STONINGTON** if the insurance companies want to get rid of the high risk people so they are willing to pay that. The state is not paying anything.

**Motion/Vote:** **SEN. O'NEIL** moved that **SB 111 DO PASS**. **Motion carried unanimously.**

**ADJOURNMENT**

Adjournment: 3:20 P.M.

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SEN.. JERRY O'NEIL, Chairman

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ANDREA GUSTAFSON, Secretary

JO/AG

**EXHIBIT** (phs11aad)